

## U.S. Supreme Court To Hear Alabama Democrats' Redistricting Challenge

By Administrator

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WASHINGTON (AP) — The Supreme Court said Monday it will consider whether Republican leaders in Alabama drew a new legislative map that illegally packed black voters into too few voting districts to limit minority political power. The justices agreed to hear a pair of appeals from the Alabama Legislative Black Caucus and another group of Democratic lawmakers who contend the new map created in 2012 dilutes black voting strength and makes it harder to elect white Democrats outside the overwhelmingly majority-black districts.

Republican-led legislatures across the South have sought to increase the concentration of black voters in a few districts, which has led to the election of fewer white Democrats and more Republicans in other districts. Similar challenges are pending in Virginia and North Carolina. Overall, the National Conference of State Legislatures says there are currently 26 active redistricting lawsuits in eight states.

The Supreme Court allows the drawing of legislative districts for partisan purposes, but not on the basis of the race. The outcome of this case could come down to whether the justices believe partisan or racial interests predominate.

A panel of three federal judges had ruled 2-1 last year that the new districts were not discriminatory and did not violate the Voting Rights Act or the Constitution.

Like other states, the Alabama Legislature had to redraw political boundaries to reflect population shifts in the 2010 Census. The process can often lead to gerrymandering — the manipulation of district boundaries to gain a partisan advantage.

Joe Reed, chairman of the Alabama Democratic Conference, said the Republican-designed districts were contrived to reduce minority influence in surrounding, mostly white districts.

“They were doing their level best to wipe out white Democrats,” he said. “They were trying their best to have a Legislature of white Republicans and black Democrats, and then they could ignore the black Democrats.”

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Alabama Republican Attorney General Luther Strange says in court filings that the new legislative districts are consistent with federal law.

Republican Alabama state Sen. Gerald Dial, co-chairman of the Legislature's Redistricting Committee, said the plan cleared the Justice Department and a three-judge panel without any problems, and he was surprised by the Supreme Court agreeing to review it.

"It's a total shock to me because we met all the guidelines that were in place at the time. But this is part of the process," he said.

Alabama Democrats contend that despite population shifts, the new map contains the same number of districts with majority black populations that were in a legislative redistricting plan produced a decade ago, when Democrats still controlled the Legislature. The plan has eight of the 35 Senate districts and 28 of the 105 House districts with a majority of black residents.

"Things can change in a way that a super-packed district comes to represent less power even if it keeps the same lines," said Justin Levitt, a law professor and redistricting expert at Loyola Law School in Los Angeles. He said the high court could use the case to offer more guidance about the appropriate use of race in redistricting.

The three-judge panel rejected the claim about diluting black voter strength. In the majority decision, U.S. Circuit Judge Bill Pryor wrote that "the overwhelming evidence in the record suggests that black voters will have an equal opportunity to participate in the political process the same as everyone else." He was joined by U.S. District Judge Keith Watkins. Both are Republican appointees

The lone black judge on the panel, U.S. District Judge Myron Thompson, dissented. He is a Democratic appointee.

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Tuesday's primary election will be the first to use the new districts. The Supreme Court will not hear arguments in the redistricting challenge until the court's new term begins in October, making it unlikely the case will be resolved before the general election on Nov. 4.

Reed, the state's Democratic Conference chairman, said he hopes the Supreme Court will order the Legislature to draw new districts and then Alabama will hold another legislative election. That occurred in 1983 when the plan drawn by the Legislature using the 1980 Census got struck down in court.

Alabama Republicans had similarly challenged the districts drawn by the Legislature's then-Democratic majority after the 2000 Census, but they also lost. Republicans gained control of the Legislature in the 2010 election.

Reed also said he's concerned the Supreme Court's review could go the other way, based on the court's ruling last year that wiped out a major provision of the 1965 Voting Rights Act. "I don't want the court to use this case to further undermine black representation," he said.

The cases are Alabama Legislative Black Caucus v. State of Alabama, 13-895, and Alabama Democratic Conference v. Alabama, 13-1138.